

# **EXHIBIT F**

1 IN THE UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4 IN RE: HIGH-TECH EMPLOYEE ANTITRUST  
LITIGATION  
5 THIS DOCUMENT RELATES TO: NO: Master Docket No.  
11-CV-2509-LHK  
6 ALL ACTIONS.  
7  
8  
9  
10 CONFIDENTIAL - ATTORNEYS' EYES ONLY  
11  
12  
13 VIDEOTAPED DEPOSITION OF DANIEL ROBERT MCKELL  
March 20, 2013  
14 10:06 a.m.  
15 Hyatt Regency Hotel  
330 Tijeras, Northwest  
Albuquerque, New Mexico  
16  
17 PURSUANT TO THE FEDERAL RULES OF CIVIL  
PROCEDURE, this deposition was:  
18  
19 TAKEN BY: MR. SARAH R. SCHALMAN-BERGEN  
Attorney for Plaintiffs  
20  
21 REPORTED BY: Mary Abernathy Seal, RDR, CRR, NM CCR 69  
Bean & Associates, Inc.  
22 Professional Court Reporting Service  
201 Third Street, Northwest, Suite 1630  
Albuquerque, New Mexico 87102  
23  
24 (6941K) MAS  
25

11:03 1 the HR business partner, were you the person that  
2 was at the other end of the open door?

3 A. I -- yes.

4 Q. What is Intel University?

11:04 5 A. It's our internal learning group, so that  
6 it conducts classes for managers and employees on  
7 anything from cultural things to technical training.

8 Q. Does the learning group conduct classes  
9 for managers with respect to compensation?

11:04 10 A. Yes.

11 Q. Did you have any job responsibilities as  
12 the HR -- as an HR business partner with respect to  
13 Intel University dealing with compensation?

14 MR. SHAH: Object to form.

11:04 15 A. As an HR business partner, I supported  
16 them -- I wouldn't have done work relative to  
17 manager training in that role.

18 Q. When you were an HR business partner, who  
19 did you report to?

20 A. I had several managers.

21 Q. What were their names?

22 A. [REDACTED]. There's one  
23 more, but I'm forgetting.

24 Q. Hopefully you'll be able to spell those  
25 for the court reporter. We can do it off the

11:05 1 record.

2 A. [REDACTED] [REDACTED]

4 Q. When you were an HR business partner, did  
11:05 5 you have any direct reports?

6 A. No.

7 Q. As an HR business partner, did you get  
8 reviewed as part of the focal process?

9 A. Did I -- did my manager do a performance  
11:06 10 review on me?

11 Q. Yes.

12 A. Yes.

13 Q. Are you familiar with the different types  
14 of grades that Intel assigns to employees?

11:06 15 A. Yes.

16 Q. What -- and when I say grades, I'm  
17 speaking of EE, O.

18 A. Rating?

19 Q. Rating.

11:06 20 A. Okay.

21 Q. What rating did you receive as the HR  
22 business partner?

23 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

11:07 1 Q. Can you list all of the different ratings  
2 that Intel uses?

3 MR. SHAH: Object to form.

4 [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]

9 Q. How have the ratings changed since you  
11:07 10 have joined Intel?

11 A. When I joined, they had three ratings:  
12 Outstanding, successful, and improvement required.  
13 And then they had three trends, so you would get a  
14 rating message and a trend message. The three trend  
11:07 15 labels were faster, equal, slower.

16 Q. What distinctions were meant by faster,  
17 equal, slower?

18 A. Your growth curve relative to peers doing  
19 the same job. So were you growing and improving at  
11:08 20 a faster rate, at the same rate, or at a slower rate  
21 than your peers.

22 Q. So within the O, S, and E --

23 A. IR.

24 Q. EIR?

11:08 25 A. Outstanding, successful, improvement

11:08 1 required. Sorry.

2 Q. Within O, S, and IR, you could also then  
3 have a secondary rating of F, E, or S?

4 A. Yes.

11:08 5 MR. SHAH: Object to form.

6 Q. Would everyone receive an F, E, or S in  
7 association with their O, S, and R -- and/or R  
8 rating, IR ratings?

9 MR. SHAH: Object to form.

11:09 10 A. Yes.

11 Q. When did Intel change from the three  
12 ratings with three trends to the five current  
13 ratings?

14 A. I don't recall the specific year.

11:09 15 2004-ish, somewhere around there.

16 Q. Did you have any involvement with respect  
17 to making that change?

18 A. In terms of making a recommendation, I  
19 don't think so. I may have been asked for my input.

11:09 20 Q. You were the HR business partner from  
21 approximately August 1999 to March 2003; is that  
22 fair?

23 MR. SHAH: Object to form.

24 A. Yeah, that sounds about right.

11:10 25 Q. Did your job duties change at all

12:00 1 for those jobs.

2 Q. And is the purpose of the SMA budget to  
3 help retain and attract talent for the R&D jobs?

4 MR. SHAH: Object to form.

12:00

5 [REDACTED]

12:02

1

[REDACTED]

Q. From business consultant [REDACTED], did you -- strike that. During your focal -- during the time period when you were a business consultant [REDACTED]  
[REDACTED], what was your rating?

6

7

8

Q. During that time period, were you aware of what the ratings were for your peers?

12:02

9

10

11

12

13

14

A. No.

Q. Were you aware of what percentage of your peers also received a successful?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21

22

23

24

25

Q. Have you ever spoken with your peers about what their ratings were?

A. No.

Q. Never?

12:03

26

A. No. I don't want to know. Better to not

12:03 1 know. It's personal. It's between them and their  
2 manager.

3 Q. Have you ever been made aware that  
4 employees speak to each other about what their  
12:03 5 ratings are?

6 MR. SHAH: Object to form.

7 A. Sure. That's an individual choice.  
8 There's nothing that prohibits it. It's just  
9 something I'm not personally interested in.

12:04 10 Q. How did you become aware that employees  
11 speak to each other about what their ratings are?

12 MR. SHAH: Object to form.

13 A. I don't know that I have witnessed it, but  
14 people talk, some people more than others. So I  
12:04 15 don't have anything else besides that.

16 Q. At a certain point, were you -- did you  
17 receive a promotion [REDACTED]  
[REDACTED]?

19 MR. SHAH: Object to form.

12:04 20 A. Yes [REDACTED].

21 Q. When was that?

22 A. End of 2006, I think.

23 Q. Prior to being promoted [REDACTED] did  
24 you receive any increase in compensation or  
12:05 25 promotion [REDACTED]

12:41 1 bonus programs.

2 Q. What are the names and job titles of those  
3 four other employees?

4 A. They're all considered compensation --

12:41 5 comp and benefits specialists. [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

12:42 10 Q. Do you still report to [REDACTED]

11 A. Yes.

12 Q. Is this the first job position where you  
13 have had direct reports?

14 A. Yes.

12:42 15 Q. Is part of your job now to provide focal  
16 reviews to these direct reports?

17 A. Yes.

18 Q. Have you had an opportunity to do that  
19 since you have been in your new job as compensation  
20 manager?

21 A. Yes.

22 Q. When was that?

23 A. This month.

24 Q. What ratings did you give your four  
25 employees, four direct reports?

12:42

A.

1

3

5

This figure displays a set of horizontal bars, each corresponding to one of the first 20 natural numbers. The bars are arranged vertically from top to bottom. A vertical dashed line is positioned to the left of the first bar. Each bar starts with a small black square marker at its left end. The length of each bar varies, indicating the value for that specific category. The bars are rendered in a dark gray color against a white background.

This figure displays a 2D bar chart with 10 columns and 20 rows. Each cell in the grid contains a black bar whose height represents the value at that specific coordinate. The bars are solid black and have thin white outlines. The chart shows a clear pattern where the values are highest in the central region and decrease towards the edges. There are also some localized peaks and troughs, particularly in the upper-middle section.

This figure displays a 2D bar chart with 10 columns and 20 rows. Each bar's width corresponds to its value, with darker shades indicating higher values. The bars are arranged in a grid pattern, showing a clear horizontal trend where the width of the bars generally increases from left to right across each row.

1 IN THE UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 SAN JOSE DIVISION

4 IN RE: HIGH-TECH EMPLOYEE ANTITRUST  
5 LITIGATION

6 THIS DOCUMENT RELATES TO:

7 ALL ACTIONS.

8

9 NO: Master Docket No. 11-CV-2509-LHK

10 REPORTER'S CERTIFICATE

11 I, MARY ABERNATHY SEAL, New Mexico CCR  
12 #69, DO HEREBY CERTIFY that on March 20, 2013, the  
13 Deposition of DANIEL ROBERT McKELL was taken before  
me at the request of, and sealed original thereof  
retained by:

14 Attorney for the Plaintiffs  
15 Ms. Sarah R. Schalman-Bergen  
16 BERGER & MONTAGUE, P.C.  
17 1622 Locust Street  
18 Philadelphia, Pennsylvania 19103-6365  
19 (215) 875-3000

20 I FURTHER CERTIFY that copies of this  
21 Certificate have been mailed or delivered to all  
22 Counsel, and parties to the proceedings not  
23 represented by counsel, appearing at the taking of  
the Deposition.

24 I FURTHER CERTIFY that examination of this  
transcript and signature of the witness was required  
by the witness and all parties present.

25 On \_\_\_\_\_ a letter was mailed or delivered to Mr.  
Sujal J. Shah regarding obtaining signature of the  
witness, and corrections, if any, were appended to  
the original and each copy of the Deposition.

1                   I FURTHER CERTIFY that the recoverable  
2 cost of the original and one copy of the Deposition,  
3 including exhibits, to Mr. Sarah R. Schalman-Bergen  
4 is \$\_\_\_\_\_.

5                   I FURTHER CERTIFY that I did administer  
6 the oath to the witness herein prior to the taking  
7 of this Deposition; that I did thereafter report in  
8 stenographic shorthand the questions and answers set  
9 forth herein, and the foregoing is a true and  
10 correct transcript of the proceeding had upon the  
11 taking of this Deposition to the best of my ability.

12                  I FURTHER CERTIFY that I am neither  
13 employed by nor related to nor contracted with  
14 (unless excepted by the rules) any of the parties or  
15 attorneys in this case, and that I have no interest  
16 whatsoever in the final disposition of this case in  
17 any court.

18

19

20

21

22

23

24

25

---

Mary Abernathy Seal  
BEAN & ASSOCIATES, INC.  
NM Certified Court Reporter #69  
License Expires: 12/31/13

15

16

17

18

19

20

21

22

23

24

25